

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** October 17, 2018

**Agenda Item:** Clark Fork River Closure for DEQ Cleanup of Grant-Kohrs Ranch Area (R2)

**Division:** Fisheries

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 5 minutes

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**Background:** The Department of Environmental Quality is conducting a cleanup project to remove contaminated soils in the streambanks and historic floodplain within the Upper Clark Fork River drainage. The next phase of this project involves the area around Grant-Kohrs Ranch National Historic Site. DEQ will begin cleanup of this area of the Clark Fork in October 2018.

Public safety is a concern during the construction period due to heavy equipment working in the area. DEQ is asking for a river closure from October 2018 to October 2020 to protect the public while allowing the cleanup work to occur. FWP would work with DEQ and their contractor to keep river sections open when/if compatible with construction activities. The department is proposing a biennial closure rule allowing FWP to close the Clark Fork River as posted to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Grant-Kohrs Ranch.

### **CLARK FORK RIVER GRANT-KOHR'S DEQ CLOSURE**

(1) FWP closes the Clark Fork River as posted to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Grant-Kohrs Ranch National Historic Site from October 2018 to October 2020.

(2) FWP may reopen the Clark Fork River prior to October 2020 when:

(a) DEQ indicates that conditions are safe; and

(b) FWP determines the closure is no longer necessary.

(3) This rule does not affect any rules that may be adopted to address unforeseen temporary, emergency situations

### **Public Involvement Process & Results:**

FWP received seven emailed comments during the public comment period (August 13 through September 11). The seven comments were (one each) from Deer Lodge, Elliston, and Missoula; one was from Washington state and three did not indicate location. One comment supported the biennial closure rule, five opposed the rule, and one did not indicate support or opposition. (One of the comments in opposition was signed by six people.) Some people offered alternative actions.

**Alternatives and Analysis:** 1. The commission approves the river closure. 2. The commission does not approve the river closure.

### **Agency Recommendation & Rationale:**

FWP is recommending that the biennial closure rule is adopted so we can close the Clark Fork River to all public occupation and recreation including, but not limited to, floating, swimming, wading, and boating through Grant-Kohrs Ranch from October of 2018 to October of 2020.

### **Proposed Motion:**

I move that the commission adopt the biennial closure rule of the Clark Fork River around Grant-Kohrs Ranch National Historic Site.